

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: June 30, 2013
SUBJECT:

BZA Case 18584 – 1310 Pennsylvania Avenue, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 735, Animal Boarding.

The Office of Planning recommends **approval** of the following variance

- § 735.2, Animal Boarding Abutting a Residence Zone.

Subject to the following conditions:

1. The approval shall be for a period of five (5) years.
2. Animal boarding shall take place within the existing concrete structure at the rear of the building.
3. All animals shall enter and leave the premises through the front of the building only.
4. Animal waste shall be picked up at least three times per week from the rear of the building and shall be kept within a waste disposal container within the building until such time as the waste disposal company comes collect it.
5. The applicant shall utilize industry standard flooring sealants to help eliminate bacteria and minimize odors by preventing waste from penetrating into the concrete floor.
6. The applicant shall wash all indoor floors with a water/chemical mixture that breaks down urine odor, and utilize a code-compliant system to capture any drainage.
7. All units and vents of the air filtration system shall be maintained and cleaned professionally at least twice a year.
8. The applicant shall encourage all patrons and employees to park legally, through oral and written messages, including postings within the business.
9. All deliveries after the initial start-up phase of the business shall be through the front of the building only.

10. The applicant shall replace or repair the garage door at the rear of the structure to ensure its sound worthiness.
11. A Liaison Committee shall be established to address neighborhood concerns regarding the operation of the site. The Committee shall include a representative from the applicant and a neighborhood representative selected by the Single-Member District Commissioner in whose district the business is located. The applicant and the ANC would have the right to change their designated representatives upon written notice to the other.
12. Every six months after the effective date of the application by the Board the Liaison Committee shall review the applicant's operation and report its findings to the ANC. If at any time the ANC finds that the conditions of approval are not being met, it shall recommend changes to the variance agreement to the Board, up to and including revocation of the order.

II. LOCATION AND SITE DESCRIPTION

Address	1310 Pennsylvania Avenue, S.E.
Legal Description	Square 1043, Lot 865
Ward	6
Lot Characteristics	Trapezoidal shaped lot with rear alley access
Zoning	C-2-A – medium density community business center commercial zone
Existing Development	Two-story commercial building with warehouse addition at the rear
Adjacent Properties	North: Public alley and a semi-detached dwelling. To the northeast are industrial uses, including the DPW storage of sanitation trucks. South: Across Pennsylvania Avenue, two and three-story commercial and residential buildings East: Two-story office building and the DPW sign shop West: Two-story row house and five-story apartment building with a surface parking lot in the rear. A carry-out restaurant is located at the corner of 13 th and Pennsylvania.
Surrounding Neighborhood Character	Mixture of commercial, residential and industrial uses

III. APPLICATION IN BRIEF

The subject property is improved with a two-story former row house building with a one-story warehouse addition at the rear. At the northern edge of the property, between the subject building and rear of 534 13th Street, is an easement across the subject property granting access to the rear of the property located at 1306 Pennsylvania Avenue, The Iridium, for parking, deliveries and refuse collection.

The applicant proposes to use the front portion of the first floor for reception and sale of pet supplies, with the second floor dedicated to office space, storage and pet grooming. Pet grooming would be located at the rear of the second floor and provided as an accessory use, as it would comprise only approximately three percent of the gross receipts of the business. Sale of pet supplies is a use permitted as a matter of right within the C-2-A zone. The warehouse addition at the rear, a large open room, would be dedicated to animal boarding, the main use of the building.

Animal waste would be stored within the building until collected from the public alley at the rear of the building. The existing garage door at the rear would be repaired or replaced with one that would ensure its sound worthiness. All deliveries, following the initial start-up of the business, would be from the front only, as the existing ten-foot rear yard must remain open pursuant to an ingress/egress easement with the condominium building at 1306 Pennsylvania Avenue for parking, deliveries and refuse removal. All animals would enter and leave the building from the front only.

The subject property has no on-site parking or loading. On-street parking is available, but the north side of the 1300 block of Pennsylvania between 13th and G streets has restrictions, including a bus stop and a space reserved for a handicapped resident, limiting the amount of parking available.

No external yards are proposed.

ZONING REQUIREMENTS

C-2-A Zone	Regulation	Existing	Proposed	Relief
Lot Width	None prescribed	17.5 feet	17.5 feet	None Required
Lot Area	None prescribed	2,357 SF	2,357 SF	None Required
Floor Area Ratio § 771				
-Residential Uses	2.5 max.	0.0	0.0	None Required
-Other Uses	1.5 max.	1.39	1.39	None Required
-TOTAL	2.5 max.	1.39	1.39	None Required

IV. OFFICE OF PLANNING ANALYSIS

1. Special Exception Relief pursuant to § 735, Animal Boarding

- i. 735.2 *The animal boarding use shall not abut a Residence Zone.*

The subject property abuts the C-2-A zone to the east and west. To the north the subject property primarily abuts the dead end of a public alley. However, a small portion of the subject property, approximately two feet, six inches in width, abuts the rear yard of a residential semi-detached dwelling within the R-4, a residence zone. The subject application includes a variance request from this provision, discussed below.

- 735.3 *The animal boarding use shall take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises*

shall be kept closed and no animals shall be permitted in an external yard on the premises.

Similar to the other animal boarding applications, the proposed use would be located within a masonry building, capable of soundproofing the use. Windows and doors would be kept closed. The rear two-thirds of the building, a one-story masonry warehouse addition with a concrete floor and no operative windows, would be used to house the animal boarding operation. This portion of the building does not directly abut the residence to the west. To the east it abuts the rear of an office use and a portion of the DPW sign shop.

A HEPA filtration system would be installed in the building to absorb odor from within the building. The unit and ducts would be cleaned professionally at least twice per year. The applicant would also clean the floors with a water/chemical mixture that breaks down urine odor, utilize a code-compliant system to capture any drainage, and seal the floors to eliminate bacteria and minimize odors by preventing waste from penetrating the floor.

Animal waste would be stored within closed containers within the building until collected by a qualified waste disposal company at least three times a week.

- 735.4 *The animal boarding use shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.*

As stated above, a HEPA filtration system would be installed and animal waste would be stored in closed containers and collected at least three times a week.

- 735.5 *The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.*

The Office of Planning recommends that the applicant require animals to enter and leave the building through the front only to control noise and activity from within the alley. OP also recommends that all deliveries be made from the front as there is no loading area at the rear and the existing ten-foot rear yard must remain open to ensure access to the rear of the

condominium building at 1306 Pennsylvania Avenue for parking, loading and refuse removal.

- 735.6 *External yards or other exterior facilities for the keeping of animals shall not be permitted.*

No external yards or other exterior facilities are proposed.

- 739.7 *The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties*

The Office of Planning recommends that the Board condition approval of the use to the conditions contained at the beginning of this report.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed use, animal boarding, is permitted within a commercial zone district, with accessory animal grooming and pet supply sales. Provided the Board approves the variance request, the application would be in conformance with the special exception criteria for animal boarding.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed use would be located within a masonry building. Adjoining properties include a mixture of commercial, industrial and residential uses. The north end of the property, where the subject lot abuts the R-4 district, is separated from the proposed use by an easement granting access to the condominium building at 1306 Pennsylvania Avenue from the public alley.

A HEPA ventilation system would be installed, floors would be sealed and cleaned with a solution to kill bacteria from urine, and animal waste picked up by a qualified contractor to control odor.

b. Variance Relief from § 735.2

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is exceptional in the manner in which it abuts the property to the north within the R-4 zone. At a width of 19.73 feet on the north end, almost all of the subject property abuts a public alley, where a thirty-five foot wide public alley dead-ends into the site. Approximately two feet, six inches of the northern lot line of the subject property, or the northwest corner of the property, adjoins the rear portion of a semi-detached dwelling lot within the R-4, a situation different from that of all other surrounding properties. This adjoining lot is improved with a dwelling fronting on 13th Street, at the opposite end of the lot. No building exists on this portion of the

subject property, only concrete paving providing access to the rear parking lot for the condominium building at 1306 Pennsylvania Avenue. Access to that lot is guaranteed by an easement and no animal uses could or would take place within the easement.

ii. No Substantial Detriment to the Public Good

There would be no substantial detriment to the public good. The building is made of brick and cinderblock, soundproofing the structure. A new or repaired garage door at the rear of the building would be installed, further containing any noise emanating from the building.

iii. No Substantial Harm to the Zoning Regulations

Approval of this variance request would allow for the establishment of an animal boarding business within a commercial district. The use would abut commercial zones to the east and west, and a residence zone for only a short distance to the north.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated June 8, 2013, indicated that it had no comments.

No other comments from District agencies were received.

VI. COMMUNITY COMMENTS

The applicant informed the Office of Planning that ANC 6B, at its regularly scheduled meeting of June 11, 2013, voted to support the application subject to conditions.

Four requests for party status were filed in opposition to the application.

A petition in opposition to the application with forty-eight signatures was submitted to the file.

Attachment: Location Map

